

D.Johnson  
#2 7-7-00

IDS w/refer

Express Mail No.: EJ909130736US  
Date Mailed: February 23, 2000

PATENT  
Docket No.: 19504-028

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Assistant Commissioner for Patents  
Washington, D.C. 20231



**INFORMATION DISCLOSURE STATEMENT (IDS)**

Dear Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants hereby make of record in the above-identified application the documents listed on the attached modified Form PTO-1449 (submitted in duplicate). The order of presentation of the references should not be construed as an indication of the importance of the references.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate items below:

1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491, OR before the mailing date of a first Office Action on the merits, whichever event occurs last. No certification or fee is required. 37 C.F.R. 1.97(b).
2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Rejection or Notice of Allowance. 37 C.F.R. 1.97(c).
- a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).
- b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
- c. Attached is our check in the amount of \$240.00 in payment of the fee under 37 C.F.R. 1.17(p). Please charge any fee deficiencies, or credit any overpayment, to Deposit Account No. 50-0311 as needed to ensure consideration of the Information Disclosure Statement. Two duplicate copies of this paper are attached.
3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage, AND after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. A separate Petition to the Group Director, requesting consideration of this Information Disclosure Statement, is concurrently submitted herewith, along with our Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. 1.17(i)(1). Please credit or debit Deposit Account No. 50-0311 as needed to ensure consideration of the Information Disclosure Statement. Two duplicate copies of this paper are attached.

- a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).
  - b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
4. The Document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided.
5. A concise explanation of the non-English language document(s) appears in the attached appendix.
6. The Examiner's attention is directed to co-pending U.S. Patent Application No(s). 08/933,344, 08/934,143, 08/934,132, and 08/934,337 which is/are directed to related technical subject matter. The identification of this/these U.S. Patent Application(s) is not to be construed as a waiver of secrecy as to this/these application(s) now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application(s) and the art cited therein during examination of the above-identified application
7. Document(s) \_\_\_\_\_ was/were cited by or submitted to the Office in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

Dated: 02/23/2000

Respectfully submitted,

By 

Martin M. Zoltick

Registration No.: 35,745

Brian S. Rosenbloom

Registration No.: 41,276

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO P.C.

11911 Freedom Drive, Suite 400

Reston, Virginia 20190

703-464-4810

Attorneys for Applicant

Restondocs:8432.1(6\$801!.DOC)